

July 24, 2006

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session Monday, July 24, 2006 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Lewis Key, Councilors Orrin Lyon, Brad Humbert, Keith Woods, Debbie Kelley, Steve Irving and Youth Representative Shalee Potts. Staff members present were Assistant City Manager Linda Hall, Finance Director Dave Richmond and Fire Chief Shane Garner. Citizens present were Todd Davis, Daryl Hanan, Betty Ransom, Merri Anne Huber, Bill Huntington and Dennis Widmer.

Press member present was Melanie Hall of the Valley Herald.

PRESENTATION Blue Mountain Horticulture Society – Report on Coddling Moth. Todd Davis, Blue Mountain Horticulture Society President, stated that Darrell Hanan, who is also a member of the Blue Mountain Horticulture Society and is responsible for the Coddling Moth mating disruption program, will discuss the problems with Coddling Moth associated with the City's Crab Apple trees. Mr. Hanan said that trapping for Coddling Moth encompasses about 2,600 acres, with 1,000 acres belonging to Earl Brown & Sons along with 1,600 additional acres that Mr. Hanan works with. Using pheromones in approximately 390 traps spaced approximately every five acres, the traps are monitored weekly and the information is distributed via email. Mr. Hanan asked permission to send the report to City staff. The pheromone used is that of the female moth, thereby trapping the males. This program has been very effective. A model established by Washington State University is currently the model used. The first moths are caught shortly after apple blooming. Chemical sprays are based on trap counts and then traps are monitored to determine problem spots.

The Blue Mountain Horticulture Society has a program in place to contract property owners with a box of apples annually per apple tree removed (a maximum of five boxes annually) for ten years after they remove apple tree(s) from their property. Mr. Hanan brought a copy of Umatilla County's program to protect crops.

Mr. Hanan brought samples of Crabapple trees located at the City's substation. Within the tree-removal program, property owners are asked to remove their apple trees in exchange for the box a year. There are some that do not want to remove their tree, but if insects along with Coddling Moth are not controlled, then a complaint is filed and when action is taken, there is a \$500 per day fine for every day the tree is not removed.

Mr. Hanan asked the City to remove the Crabapple trees on the south end of Orchard Park.

Assistant City Manager Linda Hall asked Mr. Hanan if the subject properties were the south substation and Orchard Park, of which Mr. Hanan concurred. Ms. Hall then said that the City has an agreement to maintain Orchard Park, but does not actually own the property, that she believed Mr. Dennis Olson was the current property owner. Mr. Hanan

said he would send him a letter. Ms. Hall then asked if a letter had been sent to the City. Mr. Hanan stated this information is available via email on Thursday afternoon.

Mr. Davis said the City had received notice approximately two years prior regarding trees on the north end of the City, and the City removed those trees. Mr. Davis then admitted that notice had not been sent regarding the problem with the substation trees.

Councilor Woods asked if the brochure presented was for Council's benefit, or if the brochure is to be distributed to all citizens. Mr. Hanan said that Blue Mountain Horticulture Society distributes the brochures. Mr. Davis said the brochure was actually distributed by the City via utility bills.

Mr. Davis introduced Clive Keiser, Umatilla County Extension Agent. Mr. Keiser explained the difference between home-grown trees and their chemical requirements versus commercial orchards, and stated that home-grown trees are sprayed weekly, where orchard trees are sprayed according to monitored counts of specific pests; that home-grown fruit has higher chemical levels and is not as safe. Mr. Keiser asked the Council to consider passing an ordinance prohibiting any fruit trees within the City of Milton-Freewater.

Mayor Key asked if the City could trap at the substation in an effort to save the trees. Mr. Davis said traps are already in place; that currently they are trapping for Apple Maggot. Mr. Davis said the City could begin spring traps next year, but didn't know if the area was large enough to be effective, but it may be interesting to see the outcome. Mr. Keiser stated there are still other problems with fungal and pest diseases.

Councilor Humbert asked about the cost to maintain one tree. Mr. Davis said \$600 to \$800 annually. Ms. Hall asked if the City could try the pheromone program first. Mr. Davis said he did not think the pheromone program would work in this small area because in the commercial orchard, pheromone traps are set every 3 to 5 acres to disrupt mating and the perimeters of this area is sprayed to keep other moths out. Mayor Key asked if staff could knock the fruit off early. Mr. Davis said this would prove to be difficult with Crabapple trees, but could be an optional method.

Councilor Woods asked how many fruit trees were within the City. Mr. Hanan said 400 were identified last year. Councilor Irving asked if the Blue Mountain Horticulture Society was asking for the removal of apple trees or for the removal of all fruit trees. Mr. Davis said apple, pear and cherry, but Mr. Keiser said all fruit trees as they all can harbor fruit flies.

Ms. Hall stated she would discuss this with the City Manager and Council would be updated later.

CONSENT CALENDAR ITEMS: The consent calendar items consisted of minutes from the June 26, 2006 meeting, RESOLUTION NO. 2029 to approve City-County Insurance Services as the City's worker's compensation coverage, and RESOLUTION NO. 2030, Election to cover volunteer public safety personnel with worker's compensation coverage.

Councilor Humbert asked how worker's compensation could be placed on volunteers when compensation premiums are based on payroll. Finance Director Dave Richmond stated this was by Oregon state statute, that each volunteer had a base wage of \$800 annually to calculate premiums upon.

Councilor Kelley motioned to adopt the consent calendar items. Councilor Humbert seconded the motion which passed unanimously.

NEW BUSINESS

RESOLUTION NO. 2028 SUPPLEMENTAL BUDGET – Receive United States Forest Service Grant for Fire Department. Fire Chief Shane Garner stated the Forest Service granted the City Fire Department funds in the amount of \$5,425 for personal protective equipment and minor tools. The grant requires a fifty-percent (50%) match.

Councilor Kelley motioned to adopt Resolution No. 2028 Supplemental Budget to receive the Forest Service grant in the amount of \$5,425 for the City Fire Department. Councilor Woods seconded the motion which passed unanimously.

ORDINANCE NO. 935 Amend City Code Section 6 of Title 5 Electric Regulations.

Assistant City Manager Linda Hall stated this was a minor amendment of the Electric regulations. The history behind the previous code is unknown, but the code required electric meter placement to be six feet, six inches. It is proposed to change the maximum height to five feet, six inches.

Councilor Woods moved Ordinance No. 935, be introduced by title only and full reading waived. Councilor Humbert seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Humbert, yea, Councilor Woods, yea, Councilor Kelley, yea, Councilor Irving, yea, and Youth Representative Potts, yea. Motion carried unanimously. The Assistant City Manager Linda Hall then read the ordinance by title only. Councilor Woods moved for second reading of Ordinance No. 935 be by title only and full reading waived. Councilor Humbert seconded and the motion carried unanimously. The Assistant City Manager Linda Hall read the ordinance by title only. Councilor Woods moved to adopt Ordinance No. 935, Councilor Humbert seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Humbert, yea, Councilor Woods, yea, Councilor Kelley, yea, Councilor Irving, yea, and Youth Representative Potts, yea.

CONSIDERATION OF REQUEST TO REVOKE CODE EXEMPTION FOR MUDDY FROG SQUARE DANCERS TO PARK THEIR RVs ON PUBLIC PROPERTY DURING THE MUDDY FROGWATER FESTIVAL.

Dennis Widmer, RV (Recreational Vehicle) Park owner, stated the history behind the RV Park on this property goes back several years before Mr. Widmer had his RV Park built and also before the Trails West RV Park was built. Several members of the Muddy Frog Square Dancers came before the Council and asked if they could park their RVs on this public property during the Muddy Frogwater Festival. Council then granted the exemption to the code to enable RVs to be parked on this public property. The Council seated then created the infrastructure, power pole and garbage receptacles. Sewer was not installed. Mr. Widmer said it was after this that he built his RV Park, at which time, Don Wiggins, Chairperson of the Square Dancers, said he would fill Mr. Widmer's park prior to filling the City's park and this was done for three or

four years, after which the dance club began to dwindle with fewer participants coming in from out of town. Last year, not one person was in Mr. Widmer's RV Park, but there were eight in the City's lot. Mr. Widmer asked that Council be provided with copies of utility bills from his RV Park, which they were. Each month this bill is between \$200 to \$375 monthly. Mr. Widmer said the City likes to take his money, but the City does not help him stay in business. Instead, the City gives their RV Park [parking lot by the M-F Area Chamber of Commerce] away every year. Mr. Widmer stated it was not fair for the City to compete with Mr. Widmer on that weekend, or any other weekend, especially when there are more than enough spaces available with the other two parks. Mr. Widmer said the other park owner was in the same quandary last year with no RVs parked in his facility and he has to pay utility bills monthly too, however his utilities are higher due to showers and other amenities. Mr. Widmer requested the Council to dismantle the park, take down the utility pole, and place a sign saying, "NO PARKING". There is already a city ordinance that does not allow parking on city streets, but Mr. Widmer suggested the ordinance be carried forward to include the city parking lot and help Mr. Widmer stay in business. Mr. Widmer said for that weekend he would have five spaces available, and at \$18 per evening for two evenings, this would amount to \$180 and Mr. Widmer stated this would enable him to pay his utility bill for the month of August. Mr. Widmer further said the idea at the time was good, but that time has changed so asked again that the Council dismantle the park, take down the utility pole, and place a sign saying, "NO PARKING".

Councilor Lyon asked if Mr. Widmer had five spaces currently. Mr. Widmer said he would have five spaces in August with two current evictions and three spaces open. Councilor Lyon asked how many RVs were in the parking lot last year and Mr. Widmer said he had counted eight.

Councilor Woods asked if the dancers paid any rent at the parking lot. Ms. Hall said the dancers did not pay rent, but they did pay their own electricity that is metered separately. Ms. Hall stated that Mr. Widmer is correct; that a pole was placed there and it is believed that the square dance club paid for this. Then a member of the dance club places the electricity in their name and charges all that stay in the parking lot. This is the only time the parking lot is used. Mr. Widmer said that previously, the dance club was required to address this issue annually with the Council, but it was later decided to give them a blanket approval for every year.

Councilor Kelley stated that it was Mr. Widmer himself that requested this continual approval. Mr. Widmer said this was true, as he did not object to it at that time. But it was a different time and there were more square dancers.

Councilor Irving said that the previous Council had made exception to the ordinance until which time it was revoked. Mr. Widmer concurred.

Councilor Humbert asked Mr. Widmer what year he built his RV Park. Mr. Widmer said it was in 2002 and Trails West RV Park opened about six months later.

Merri Anne Huber, Muddy Frog Square Dance Club, gave some background information about the dance club and their RV parking needs. When the dance club asked to have the electric pole placed in the parking lot next to the MF Area Chamber of Commerce for the

dance club, it was thought that it would be a way to help the Chamber during other events and the Chamber could also receive some revenue. When Mr. Widmer opened his park, the Chamber's use of their parking lot for RV users was no longer an issue, which was understandable. Mr. Widmer did have square dancers in his RV Park, in fact, the very first occupants of his RV Park were the square dancers before the grass was planted. The year the square dancers could not get into Mr. Widmer's RV Park because workers from the wind project were staying there, which again was understandable as they were long-term residents, our square dancers went to the Trails West RV Park. The next year, many square dancers tried to call Mr. Widmer and their phone calls were not returned. RV users will not come without a place to stay. So the square dancers used the Trails West RV Park. Now some square dancers go to the Trails West RV Park and some park their RVs in Walla Walla, Washington. There have been problems connecting with the owner of the Trails West RV Park owner as well. Ms. Huber said she asked the dancers if they wanted to come back to the parking lot across from the Community Building because they can walk from there. They said not the way it is now, and Ms. Huber apologized, but continued to say it was because it was too trashy.

Councilor Woods asked Ms. Huber if the square dancer's program would be enhanced if they could park next to the Community Building. Ms. Huber said yes. Councilor Woods then asked if Ms. Huber felt it would enhance their program and encourage more people to come. Ms. Huber said it would encourage more people to come. Councilor Woods asked if there were a nominal fee charged to enhance the program as a whole, would the square dancers pay this or would they still drive to Walla Walla, Washington. Ms. Huber said they would pay the fee. Ms. Huber said she could try to get the dancers to stay across the street at Mr. Widmer's park, but she did not think she could do it now. Mayor Key said they probably had reservations elsewhere by now.

Councilor Humbert stated he did not think the City should be in competition with private business owners. The City is to enhance and help businesses. Councilor Humbert further said he did not believe that taking action on this issue now would not do any good for anyone coming to the Muddy Frogwater Festival in just three weeks as reservations have probably already been made. The prior action may have been right for the time, but it is not right now. It cannot be fair for the square dancers to have RV space rent free when RV Park owners have expended the capital to create spaces. Councilor Irving stated he agreed with Councilor Humbert and further stated business owners are paying tax to the City besides paying their utilities; that the City should not be in competition with local businesses.

Councilor Woods stated the facility is not run on a year-round basis. The facility is on a space basis for a particular event. Councilor Woods said he did not have a problem keeping the facility for an overflow, but felt that spaces that are commercially available should be booked first. Councilor Woods said he would be opposed to removing the site altogether and if someone has already agreed to be there, Councilor Woods said he did not want to dismantle it three weeks prior. Councilor Humbert then said to make the facility an overflow site and if a commercial site is available at the time, then RV users need to utilize all commercial sites first until these sites are full. Councilor Woods said there needed to be a definition of "full". For example, with RVs coming and going, does 80% represent "full"?

Ms. Huber said there was a \$5 charge for electricity and that was all because there are some square dancers that do not want full hook-up, so all that is offered is the electricity.

Councilor Kelley said it was too bad this issue came to Council's attention so close to the festival event, as the square dancers have probably already secured their arrangements, including sites at the Chamber. Other things to consider about the square dancers are that they come to the festival, they stay, they shop, and they go to our festival thereby filtering money throughout our community. Councilor Kelley said she would prefer the square dancers staying here versus staying in Walla Walla, Washington, but we cannot force people to go or stay where they do not want to. Councilor Kelley said she could see remedy with this issue by next year when we have time and they have time to make other arrangements, but to revoke this three weeks before the event is a little short-sighted on Council's part and anyone who brought it before us. Councilor Kelley did say she would entertain making changes in the future, but not at this time.

Councilor Humbert said he agreed that people come in and spend money for two days during our festival, but business owners pay their costs year-round. They have to pay taxes, utility bills and they pay a lot more money than what is brought in for a day or two. Councilor Humbert said it is close to the festival, but he was not afforded the privilege to allow his family to come and park their RV in his personal driveway and allow them to stay for free. Councilor Kelley said she did not understand the problem with that. Councilor Humbert said it was not allowed. Councilor Woods said they could stay for a week. Councilor Humbert said the previous Council made an exception because there were no other RV sites available, and the intent was to provide a place for the dancers then. Now there are RV sites available. Council knows there are five sites available, and perhaps more at the Trails West RV Park. Councilor Humbert said he could not agree to have RVs parked on a site for free on City property when there are other commercial sites available. Ms. Huber reiterated that the square dancers do pay electricity.

Councilor Kelley stated she was at a loss as to why this business owner waited until the eleventh hour before he came to the Council with this issue. Councilor Humbert said he had the same problem. Councilor Kelley further said she did not have a problem with revoking the agreement or address the issue in the future on a case-by-case basis annually as the Council had done previously to 2000, but for this year, Councilor Kelley said she did not feel it right for people that already have made reservations, and this valley fills quickly, and since it can't be allowed on anyone's driveway, that the Council needs to continue one more year and make changes to the situation in future years.

Councilor Lyon said he did not want to see the pole dismantled for at least one to two years so the Council can determine the necessity to have the pole dismantled. Councilor Lyon further said it was too close to the date of the Festival to take action this year, but he also believes the Council needs to support its business people.

Mr. Widmer explained, "I waited till the last minute because I couldn't stand that dweeb, Mr. Don Wiggins, writing hate mail to our local newspaper and hounding me into oblivion". So, Mr. Widmer stated, "I waited until the last minute so I could deny Mr. Wiggins the satisfaction of doing that".

Councilor Humbert said this was not a forum to discuss any personal agenda. Councilor Humbert said that it is because of the eleventh hour that this issue is so difficult, as Councilor Humbert said he was in complete agreement with Mr. Widmer. Mr. Widmer then asked, stating there was one more meeting before the festival, if it would be possible to instruct city staff to contact Dennis Nielson, owner of Trails West RV Park, and determine how many people have reserved a spot with him. Councilor Kelley said she did not understand this request. Councilor Humbert said he did not have any problem with that request, except the next meeting is even closer to the festival. The square dancers have made their plans and Councilor Humbert said he had a real difficult time upsetting people's plans that are coming to enjoy our City and our festival. Mr. Widmer asked where they were going to stay. Councilor Humbert said that was his problem on the flip side. The RV Parks are not full. If Trails West RV Park is not full and your park is not full, then the question is why are they not full? Is everyone congregating down there because it is a spot to stay? Our ordinance says we cannot do that, but we have made this exception and I don't know how it ever got into a full-time, blanket deal, but it did. Councilor Kelley said, "By Mr. Widmer's motion himself". Councilor Humbert said he was looking at the intent of what the motion was. The intent was to give people a place to park their RVs in a town that did not have any RV parks. Now we have two RV parks, and there may be three. Councilor Humbert said he just has a real problem with taking money out of a tax paying electrical utility bill, garbage, etc...you know, all these monies are paid in by these businesses and I have a problem taking money out of their pockets. It's not fair. Ms. Huber said the dancers are not going to the local RV parks, that they are going other places. Councilor Humbert said he was not getting into the personal side of this, that he was sticking to the facts and the fact is, the intent of this was because there were no RV parks in the community at that time. Now there are RV parks. You can either fill them or not fill them. But, Ms. Huber said, if you had an RV and you went someplace and it was fine one year, but the next year you could not get a hold of them, what would you do? Councilor Humbert said he would go someplace else. Ms. Huber said exactly and that is what they did. Councilor Humbert said that does not mean they can just go over to the Chamber. Ms. Huber said they didn't. They went to Trails West RV Park for a couple of years and when they were full one year, they had to go somewhere else. Councilor Humbert then said if the agreement is changed, it won't change the status at all of those RV users, because they have already made reservations someplace else. Ms. Huber said this year they probably already have. Ms. Huber said she can try to get them back. Councilor Humbert said he would like to see all of the community RV sites full for the Muddy Frogwater Festival. That's the whole intent. Ms. Huber said that with the price of gas this year, and the charge for electricity—square dancing is a family thing, and these families don't have a lot, so if they come, they don't have a lot of money to spend. So the Chamber's parking lot is an alternative. Councilor Humbert said he understood.

Councilor Lyon said they needed to move on, that this issue needs to be addressed, but after the Muddy Frogwater Festival for another year. The question is what the Council needs to do for this year. Councilor Humbert stated he felt the blanket exemption needs to come off this year. Councilor Humbert then said to give them their exemption for this year and revisit this issue immediately after the festival.

Councilor Woods motioned to table the discussion until the first meeting in September. Councilor Kelley seconded the motion. Councilor Lyon, yea, Councilor Humbert, nay, Councilor Woods, yea, Councilor Kelley, yea, Councilor Irving, nay, Councilor Potts, nay. Motion passed three to two.

Mr. Widmer will be out of town so it was the consensus of the Council to change the date of this discussion to the first meeting in October.

DISCUSSION Council Workshop Agenda/Date. Assistant City Manager Linda Hall said that two councilors had suggested having a workshop. There have been some good ideas brought forth by individual members of the Council and before staff moves forward, staff needs to know that this is the consensus of all Council members for staff to spend some time to bring back for Council's action. A date and time that would be good for everyone needs to be set.

A discussion ensued regarding a date.

It was the consensus of the Council to hold the workshop on July 31, 2006 at 3:00 p.m. in the City Manager's office.

It was also the consensus of the Council to discuss the following three subjects during their workshop:

1. Evaluation of expanding solid waste program to include the offering of 60-gallon containers in addition to the current 9, 300 and drop box containers.
2. Evaluation of tying water and sewer rate schedules together.
3. Report on Long-term and Financial and Project Prioritization Planning for Utility Infrastructure.

Mayor Key announced this was the opportunity for citizens to approach the council with issues not on this agenda.

Betty Ransom, 812 Parallel St., addressed the Council concerning an apartment complex located on the corner of N.E. Elizabeth St. and 8th Ave. under the management of Maridale Real Estate. Ms. Ransom said she lives at 812 Parallel Street and the front of her home faces the back of one of the apartments in the three-unit complex. This apartment complex is managed by Marilyn Dale. Every year for the past six to seven years Ms. Ransom said she had called the Milton-Freewater Public Works department several times during the year, beginning in the late spring regarding the lack of weed control at this site. The area Ms. Ransom's home faces is on the City's Parallel street right-of-way. Ms. Ransom said that each time she contacts the City's Public Works department to inform them of this issue, she is always informed of the procedure the City must follow regarding notification of the owner(s) of the property. Usually late summer after the weeds have grown three feet high or higher and have gone to seed, a response to Ms. Ransom's concerns have been met with city employees going to the property with weed-eating machines. To date this year nothing has been done. The weeds are high and both grasses and weeds are dried up, presenting an extreme fire hazard to the apartments, Ms. Ransom's property, and to other properties located in this area. Ms. Ransom presented pictures to the Council. There was one time that the work was done in a timely manner and that was when Herb Saager served

on the Council. Ms. Ransom said she gave him a written complaint which was then presented to the Council and within two days after the council meeting, the problem weeds were taken care of. Ms. Ransom further said it was difficult for her to understand why, if notices have actually been sent to Maridale Real Estate and to the apartment, why a property management business does not accept responsibility for maintaining and pulling their weeds. Ms. Ransom also said her property bordered the property on 8th Avenue adjacent to the east side of the overpass. Ms. Ransom stated she takes the responsibility for controlling the weeds in this area which is on the City's right-of-way. Ms. Ransom continued saying she spends considerable time and effort maintaining this right-of-way. It's very aggravating that Maridale Real Estate refuses to be responsible for maintaining the weeds on the City's Parallel Street right-of-way adjacent to the property.

Councilor Humbert asked if this was an ongoing problem. Assistant City Manager Linda Hall stated that if it is, she was not aware of it. Ms. Hall asked for an opportunity to research this with staff and get back to Ms. Ransom and also let the Council know what action has been taken.

A discussion ensued.

Ms. Hall said she would first determine where the property is within the City's abatement process, and then report back to Council and Ms. Ransom.

MANAGER'S REPORT

There was no Manager's report.

COUNCIL ANNOUNCEMENTS

Councilor Humbert announced that the Babe Ruth 15-year olds that won the district title were playing in Pendleton and lost to a team they had already beat, but it was a close game. They were playing for third place and winning in the fourth inning. Ms. Hall said the City did give additional funding to help pay for their trip.

Councilor Woods asked who was in charge of the "Meet Your Elected Officials" at the Muddy Frogwater Festival.

Ms. Hall stated she was not aware that this had been a council directive.

A discussion ensued regarding the subject.

It was determined that if Councilor Woods wished to have a booth, he should head the project.

Councilor Kelley said she had gone to some training recently and met an interesting group of people. There are several groups in Walla Walla that are researching the possibilities of pulling services of all kinds together from government to social services for better access. One of the groups is called CVAC, Citizens for Value Added Community. They are working to pull together things on an economic level as well as social service and environmental. They are planning a valley-wide from Milton-Freewater to Dayton,

wanting communities to be a part of this program. Councilor Kelley thought it would be good for Milton-Freewater to be in on the ground floor to be part of that so they know what our resources are here in Milton-Freewater, to be able to include the City with the entire valley. Councilor Humbert asked what their goal is. Councilor Kelley said to have services that do not overlap so dollars can be spread over a larger area. Councilor Kelley admitted she had not seen anything in writing from them other than an email with an attachment explaining what CVAC is all about. Initially, it will be a mapping of assets.

Councilor Kelley said she would get more information and report back to the Council.

Councilor Irving thanked every City official, employee and CDP (Community Development Partnership) member that volunteered their time to serve at the Logs to Frogs event.

Finance Director Dave Richmond invited everyone to attend the City Employee Picnic on Friday, August 4th.

Councilor Humbert asked where staff was on the asbestos abatement on the Columbia Street property. Ms. Hall said she would research this and report back.

Youth Representative Shalee Potts announced she had recently joined the National Guard with a \$20,000 signing bonus along with help for college expenses.

There being no further business, the meeting was adjourned at 9:12 p.m.

Lewis S. Key, Mayor